

whether we want to protect crime victims or not. We have an opportunity by bringing this matter to the floor. At 2:15, we will have a vote on what is called a cloture motion on a motion to proceed. If 60 colleagues agree, we will be able to go forward and debate the motion to proceed, which I assume will be adopted later today. Then we can proceed with debate on the constitutional amendment itself. We look forward to that. If people want to bring forward relevant amendments to that, so be it. That is what the process is about. But I fear what will happen if, instead, we get a series of nongermane amendments or attempts to delay this, to the point that we run out of time and, in effect, a filibuster has killed any hope these crime victims have of protecting their rights in our courts.

We have waited too long. Eighteen years ago President Reagan's Commission on Crime Victims recommended the constitutional amendment to address these rights. Eighteen years is long enough to wait. I hope when we finally have an opportunity on the Senate floor, that opportunity is not snatched away by people who want to pursue other agendas.

The PRESIDING OFFICER. The time of the proponents is expired; the opponents have 9 minutes.

Mr. KYL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from Wyoming, requests the quorum call be lifted, and without objection it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:16 p.m.

Thereupon, the Senate, at 12:23 p.m., recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. INHOFE].

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO PROTECT THE RIGHTS OF CRIME VICTIMS—MOTION TO PROCEED—Continued

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 299, S.J. Res. 3, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims:

Trent Lott, Jon Kyl, Judd Gregg, Wayne Allard, Robert Smith of New Hampshire, Richard Shelby, Gordon Smith of Oregon, Bill Frist, Mike DeWine, Ben Nighthorse Campbell, Jim Bunning, Chuck Grassley, Rod Grams, Connie Mack, Craig Thomas, and Jesse Helms.

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call under the rules has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S.J. Res. 3, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH), the Senator from Arizona (Mr. McCAIN), and the Senator from Vermont (Mr. JEFFORDS) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Nebraska (Mr. KERREY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 82, nays 12, as follows:

[Rollcall Vote No. 86 Leg.]

YEAS—82

Abraham	Fitzgerald	McConnell
Akaka	Frist	Murkowski
Allard	Gorton	Murray
Ashcroft	Graham	Nickles
Bayh	Gramm	Reed
Bennett	Grams	Reid
Bond	Grassley	Robb
Boxer	Gregg	Roberts
Breaux	Hagel	Rockefeller
Brownback	Hatch	Santorum
Bryan	Helms	Sarbanes
Bunning	Hutchinson	Sessions
Burns	Hutchison	Shelby
Campbell	Inhofe	Smith (NH)
Chafee, L.	Inouye	Smith (OR)
Cleland	Johnson	Snowe
Cochran	Kennedy	Specter
Collins	Kerry	Stevens
Conrad	Kohl	Thomas
Coverdell	Kyl	Thompson
Craig	Landrieu	Thurmond
Crapo	Leahy	Torricelli
Daschle	Levin	Voinovich
DeWine	Lieberman	Warner
Domenici	Lincoln	Wellstone
Edwards	Lott	Wyden
Enzi	Lugar	
Feinstein	Mack	

NAYS—12

Baucus	Dorgan	Hollings
Bingaman	Durbin	Lautenberg
Byrd	Feingold	Moynihan
Dodd	Harkin	Schumer

NOT VOTING—6

Biden	Kerrey	Mikulski
Jeffords	McCain	Roth

The PRESIDING OFFICER. On this vote the yeas are 82, the nays are 12.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. FEINGOLD. Mr. President, today I voted against a motion to close debate on the motion to proceed to S.J. Res. 3, a victims' rights constitutional amendment. Only twelve Senators voted no, although a far larger number oppose this resolution. I was prepared to vote yes on the motion, because the rights of victims are terribly important and a resolution like this ought to be thoroughly debated. But before the vote I learned that the language of this resolution to amend the Constitution is still being negotiated. This ought to be a solemn, soberly undertaken effort, for it presumes to revise the work of Madison and Hamilton and those great Americans who put to paper the ingenious design of the American republic in that hot Philadelphia room 224 years ago. But instead, we were asked today to begin that debate in earnest while the supporters of the resolution were still off in a room somewhere trying to agree on the language of the resolution.

So I said no. I said no to this casual, cavalier approach to amending the Constitution. It does not respect the seriousness of the process and has led to constitutional profligacy in the Congress—to hundreds of constitutional amendments being offered as if they were not gravely important, as if they were not an attempt to edit the organic law that has held our democracy together for two centuries. In the opening days of some recent Congresses, we have seen constitutional amendments introduced at a rate of more than one per day.

A few weeks ago, we considered a constitutional amendment to allow prohibition of flag desecration. I opposed that amendment, but I didn't oppose cloture on the motion to proceed. I voted for cloture because the backers of the flag amendment, wrong as I thought they were, at least showed some respect for the process. They believed there was a need for the amendment and they were able to point to particular events and precedents that they believed needed to be addressed. But no court has struck down the dozens of state constitution provisions and hundreds of statutes that protect victims' rights across America today, so why rush to amend the Constitution? The backers of the flag amendment argued, correctly, that their goal of allowing prohibition of some forms of speech could be realized only by a constitutional amendment. They offered a resolution that had been refined over time, whose supporters at least, had agreed upon. All of us were aware, long before the vote, what the resolution said. The vote on proceeding to the flag debate was not held in a fluid situation, where negotiations about language that might end up in our Constitution were still taking place. So we